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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE
WRIT PETITION NO. 1952 OF 1996

Shri Namdeo Arjun Kolekar

.. Petitioner

Vs.

The State of Maharashtra and ors. .. Respondents

Mr. S.D. Rayrikar and Mr. A.M. Joshi for petitioner.
Mrs.S.S. Bhende, AGP for respondent nos. 1 and 2.
None for respondent no.3.

**CORAM : B. H. MARLAPALLE &
D. B. BHOSALE,JJ.**

Date : March 22, 2006.

P.C.:

1. In this petition filed under Article 226 and 227 of the Constitution, the petitioner has assailed the advertisement released by the respondent no.3 on 17/10/1995 to fill in , inter alia, the post of lecturer in Biology. While granting Rule, the prayer for interim relief was rejected and thus the process of recruitment was not stayed by this court pursuant to the impugned advertisement.

2. The petitioner was appointed as a lecturer on part time basis in the junior college run by the respondent no.3-society with effect from 2/7/1990. In the next academic year also he was continued on part time basis, but in the academic year starting from June 1992 he came to be appointed as a lecturer on

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full time basis and was continued on temporary basis in the subsequent two academic years. However, his appointment was not approved by the respondent no.2 at any point of time and the petitioner claimed that he possessed the requisite qualifications i.e. M.Sc, B.Ed. for the appointment of lecturer in Biology and he had with him more than three years experience in the very same junior college. The petitioner further claims that he himself belongs to Dhargar community which is listed as Nomadic Tribe-B by the State Government. The post as advertised i.e. lecturer in Biology was reserved for Nomadic Tribe-D.

3. The learned counsel for the petitioner now states that he was continued in service as a lecturer in Biology by respondent no.3 and subsequently his appointment has been approved by respondent no.2 and, therefore, nothing further survives in this petition.

4. The petition is hereby disposed on the ground that the petitioner has already been absorbed as a regular lecturer in the junior college. Rule discharged. No costs.

(D.B. Bhosale,J.)

(B.H. Marlapalle, J.)